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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/733,658

Filing Date: December 11, 2003

Appellant(s): BURCKART ET AL.

Steven M. Greenberg, Registration No. 44,725
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/02/2009 appealing from the Office action mailed 09/21/2007.

(1) Real Party in Interest

A statement identifying by name the real party of interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2004/0264376 A1	Schrodi	12-2004
US 2003/0110280 A1	Hinchliffe et al.	06-2003
US 2004/0215722 A1	Mukherjee	10-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7-9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrodi (Pub. No.: US 2004/0264376 A1), hereinafter “Schrodi” in view of Hinchliffe et al. (Pub No.: US 2003/0110280 A1), hereinafter “Hinchliffe”.

As to independent claim 1, Schrodi teaches a method of conducting electronic meetings (page 4 paragraph [0046] → Schrodi teaches prioritizing data traffic within a service such as a web conference or other multimedia application). Schrodi does not teach assigning priority to groups for providing meeting events to the groups. Hinchliffe teaches defining one or more groups of participants (page 1 paragraph [0014] → taught as breaking the plurality of computers down into groups);

assigning a relative priority for each group, the relative priority for each group being unique to said group (page 1 paragraph [0014] → taught as the groups having an associated priority);

generating a meeting event for the electronic meeting (page 1 paragraph [0014] → taught as pushing a data update); and

triggering logic to provide the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Schrodi with the updating of data and prioritization of groups of Hinchliffe to improve the efficiency and effectiveness of updating data in a computer network such as a web conference.

As to dependent claim 2, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting the meeting event to a group in a sequenced order relative to a priority. Hinchliffe teaches transmitting the meeting event to the groups in a

sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritizing of data traffic of Schrodi with the transmitting of events in a sequenced order of Hinchliffe to allow high priority groups to receive data before groups with a lower priority.

As to dependent claim 3, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting of the meeting event to the groups by a pre-configured time interval. Hinchliffe teaches staggering the transmitting of the meeting event to the groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritization of Schrodi with the transmitting of data of Hinchliffe to provide essential information to each group of when data can be expected.

As to independent claim 7, Schrodi teaches a machine-readable storage having stored thereon a computer program for conducting electronic meetings, (page 4 paragraph [0046] → Schrodi teaches prioritizing data traffic within a service such as a web conference or other multimedia application). Schrodi does not teach assigning priority to groups for providing meeting events to the groups. Hinchliffe teaches defining one or more groups of participants in

an electronic meeting (page 1 paragraph [0014] → taught as breaking the plurality of computers down into groups);

assigning a relative priority for each group, the relative priority for each group being unique to said group (page 1 paragraph [0014] → taught as the groups having an associated priority);

generating a meeting event for the electronic meeting (page 1 paragraph [0014] → taught as pushing a data update); and

triggering logic to provide the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Schrodi with the updating of data and prioritization of groups of Hinchliffe to improve the efficiency and effectiveness of updating data in a computer network such as a web conference.

As to dependent claim 8, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting the meeting event to a group in a sequenced order relative to a priority. Hinchliffe teaches transmitting the meeting event to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritizing of data traffic of Schrodi with the transmitting of events in a

sequenced order of Hinchliffe to allow high priority groups to receive data before groups with a lower priority.

As to dependent claim 9, Schrodi teaches prioritizing data traffic in a web conference. Schrodi does not explicitly teach transmitting of the meeting event to the groups by a pre-configured time interval. Hinchliffe teaches staggering the transmitting of the meeting event to the groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the prioritization of Schrodi with the transmitting of data of Hinchliffe to provide essential information to each group of when data can be expected.

As to independent claim 13, Schrodi teaches a system for conducting electronic meetings (page 4 paragraph [0046] → Schrodi teaches prioritizing data traffic within a service such as a web conference or other multimedia application). Schrodi does not teach assigning priority to groups for providing meeting events to the groups. Hinchliffe teaches a meeting server executing a meeting policy (page 4 paragraph [0041] configured to define one or more groups of participants in an electronic meeting (page 1 paragraph [0014] → taught as breaking the plurality of computers down into groups), and to assign a relative priority for each group, the relative priority for each group being unique to said group (page 1 paragraph [0014] → taught as the groups having an associated priority); and

triggering logic to provide a meeting event generated by the server to the groups in a sequence ordered by the relative priority for each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Schrodin with the updating of data and prioritization of groups of Hinchliffe to improve the efficiency and effectiveness of updating data in a computer network such as a web conference.

Claims 4, 5, 10, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjee (Pub. No.: US 2004/0215722 A1), hereinafter “Mukherjee”.

As to independent claim 4, Mukherjee teaches a method of conducting electronic meetings having a plurality of participants (page 1 paragraph [0006] → taught as a collaboration session between a plurality of participants), comprising the steps of:

generating a meeting event (page 4 paragraph [0045]);

selecting at random a first group of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), triggering logic to provide the meeting event to the first group of participants (page 4 paragraph [0045]), the first group having a maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group,

he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group.

It would have been obvious to one skilled in the art at the time the invention was made to have included having a preconfigured maximum number of participants in a group to allow for enhanced the exchange of data within the collaboration system.

As to dependent claim 5, Mukherjee teaches transmitting the meeting event to the first group of participants (page 4 paragraph [0045]).

As to independent claim 10, Mukherjee teaches a machine readable storage having stored thereon a computer program for conducting electronic meetings having a plurality of participants (page 1 paragraph [0006] → taught as a collaboration session between a plurality of participants), said computer program comprising a routine set of instructions which when executed by a machine cause the machine to perform the steps of:

generating a meeting event (page 4 paragraph [0045]);

selecting at random a first group of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), triggering logic to provide the meeting event to the first group of participants (page 4 paragraph [0045]), the first group having a maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group,

he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group.

It would have been obvious to one skilled in the art at the time the invention was made to have included having a preconfigured maximum number of participants in a group to allow for enhanced the exchange of data within the collaboration system.

As to dependent claim 11, Mukherjee teaches transmitting the meeting event to the first group of participants (page 4 paragraph [0045]).

As to independent claim 14, Mukherjee teaches a system for conducting electronic meetings having a plurality of participants (page 1 paragraph [0006] → taught as a collaboration session between a plurality of participants), comprising:

a meeting server executing a meeting policy (Figures 1 and 2, page 1 paragraph [0004]) configured to select at random a group of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), triggering logic to provide a meeting event generated by the server to the group of participants (page 4 paragraph [0045]), the group having a maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups).

While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group.

It would have been obvious to one skilled in the art at the time the invention was made to have included having a preconfigured maximum number of participants in a group to allow for enhanced the exchange of data within the collaboration system.

Claims 6, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukherjee in view of Hinchliffe.

As to dependent claim 6, Mukherjee teaches selecting at random additional groups of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), each additional group having a pre-configured maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group. Mukherjee teaches wherein every additional group only includes participants not previously included in any other group of participants (page 4 paragraph [0044] → taught as having passwords for entering a specific group designated for that participant;

transmitting the meeting event to the additional groups of participants (page 4 paragraph [0045]). Mukherjee does not teach staggering the meeting events. Hinchliffe teaches staggering the transmitting of the meeting event to the additional groups by a pre-configured

time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Mukherjee with the staggering of events of Hinchliffe to improve the efficiency and effectiveness of updating data in a collaboration session.

As to dependent claim 12, Mukherjee teaches selecting at random additional groups of participants from the plurality of participants (page 1 paragraph [0007] → taught as coupling groups of participants to a collaboration session), each additional group having a pre-configured maximum number of participants (page 4 paragraph [0043] [0044] → taught as the groups having limits if requested by the groups). While Mukherjee does not explicitly teach that there are a pre-configured maximum number of participants in a group, he does disclose that the participants of the group can set a maximum number for the group. Therefore a limit could be set for the group before the completion of the group. Mukherjee teaches wherein every additional group only includes participants not previously included in any other group of participants (page 4 paragraph [0044] → taught as having passwords for entering a specific group designated for that participant;

transmitting the meeting event to the additional groups of participants (page 4 paragraph [0045]). Mukherjee does not teach staggering the meeting events. Hinchliffe teaches staggering the transmitting of the meeting event to the additional groups by a pre-configured time interval (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the electronic meeting of Mukherjee with the staggering of events of Hinchliffe to improve the efficiency and effectiveness of updating data in a collaboration session.

As to independent claims 15, Mukherjee teaches a collaboration system for communication between a plurality of groups and sending data to each of the groups (page 4 paragraph [0045]). However Mukherjee does not teach an e-meeting update method comprising the step of inducing individual e-meeting updates at different times for different selections of e-meeting participants. Hinchliffe teaches sending updated data to different groups at different times based on the priority level of each group (page 1 paragraph [0014] → taught as sending the update to the groups according to their priority level).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the collaboration system of Mukherjee with the updating of Hinchliffe to improve the efficiency and effectiveness of updating data in a collaboration system.

As to dependent claim 16, Mukherjee teaches a collaboration system. Mukherjee does not explicitly teach inducing individual e-meeting updates at different times for random selections of said e-meeting participants. Hinchliffe teaches wherein said inducing step comprises the step of inducing individual e-meeting updates at different times for random selections of said e-meeting participants (page 2 paragraph [0018] → taught as having groups which exceed a size, split up into smaller groups and having additional push down tasks).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the system of Mukherjee with the inducing of Hinchliffe to control the flow of data within the system and increase the transmitting of data to the participants.

As to dependent claim 17, Mukherjee teaches a collaboration system. Mukherjee does not explicitly teach inducing individual e-meeting updates at different times according to a pre-defined sequence for particular ones of said e-meeting participants. Hinchliffe teaches wherein said inducing step comprises the step of inducing individual e-meeting updates at different times according to a pre-defined sequence for particular ones of said e-meeting participants (page 2 paragraph [0021] → taught as having time intervals for each group for updating data).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the system of Mukherjee with the inducing of Hinchliffe to control the flow of data within the system and increase the transmitting of data to the participants.

(10) Response to Argument

Beginning on page 6 of Appellant's Appeal Brief (hereinafter the Brief), Appellant argues the following issues which are accordingly addressed below.

**THE REJECTION OF CLAIMS 1 THROUGH 3, 7 THROUGH 9 AND 13 UNDER
35 U.S.C. § 103(A) AS BEING UNPATENTABLE OVER SCHRODI IN VIEW OF
HINCHLIFFE.**

Appellant argues that Schrodi wholly lacks any teaching to prioritization of groups of participants to a Web conference—only the prioritization of data packets which may or may not be part of a Web conference. Further, Appellant argues that the assignment of a relative priority to a group of participants to an electronic meeting and the providing of a meeting event to different groups of participants in a sequenced order by the relative priority for each group cannot be found in the combination of Schrodi and Hinchliffe.

The Examiner respectfully disagrees.

The disputed claim language reads:

*A method of conducting electronic meetings, comprising the steps of:
defining one or more groups of participants in an electronic meeting;
assigning a relative priority for each group, the relative priority for each group being unique to
said group;*

*generating a meeting event for the electronic meeting; and
triggering logic to provide the meeting event to the groups in a sequence ordered by the relative
priority for each group.*

It is first noted that Schrodi is used to disclose prioritization of data traffic within a service such as a web conference or other multimedia application. On page 4, paragraph [0046], Schrodi initially discloses that his uses of prioritizing data can be used analogously for all services for which a prioritization of the data traffic is needed, such as Web conferences.

A web conference is defined as a meeting of two or more persons/groups for discussing matters of common concern, using World Wide Web technologies to share information. The mere mentioning of Web conferencing allows one skilled in the art to implement the method of prioritization of data in such a system.

Hinchliffe however is used as the significant weighing factor for teaching the limitations which the Appellant asserts is not taught. Hinchliffe provides clear support of breaking computers down into groups and assigning a priority to each group for providing a relation of when a particular group of computers will receive a data update.

It is reasonable for one skilled in the art to conclude that the groups of computers include some form of user participation, especially if taken in combination with the teachings of Schrodi. Hinchliffe teaching of grouping computers by priority essentially teaches assigning priority to multiple groups of participants. The assignment of priority to the groups creates a relative

priority for each group with respect to all other groups, wherein the priority for each group specifies when the group will receive a data update.

Moreover, Schrodi, Hinchliffe and the Appellants invention all seek to provide a more efficient method of sending data to computers.

**THE REJECTION OF CLAIMS 4, 5, 10, 11 AND 14 UNDER 35 U.S.C § 103(A) AS
BEING UNPATENTABLE OVER MUKHERJEE.**

Appellant argues that Mukherjee wholly lacks any teaching to the random selection of a group of participants.

The Examiner respectfully disagrees.

The disputed claim language reads:

*A method of conducting electronic meetings having a plurality of participants,
comprising the steps of:*

generating a meeting event;

*selecting at random a first group of participants from the plurality of participants, the
first group having a pre-configured maximum number of participants; and*

triggering logic to provide the meeting event to the first group of participants.

It is noted that the Examiner is interpreting the claim as randomly selecting a first group of participants. However, it appears that the Appellant is arguing that the participants are randomly selected and placed into the first group.

While the summary of claimed invention of the brief (page 4) points to paragraph [0024] of the Appellant's specification as teaching the above limitation, the Examiner would like to point to paragraph [0022] of the specification, which proves additional support for the particular claim language "selecting at random a first group of participants." Here, the specification indicates that "groups of user" are selected at random to establish a priority policy for delivering meeting events to the groups of users in a staggered fashion.

The claim language, as currently recited, does **not** require the participants to be randomly selected and ***subsequently*** placed into groups. Additionally, the specification does not particularly indicate that user are selected randomly and then placed into groups. The language of the specification, which was intentionally written by Appellant in this manner, leaves open the possibility of interpreting the claim language either way. It is not the duty of the USPTO to import limitations, which do not even exist in the specification, into the claims.

Mukherjee teaches the Examiner's interpretation of the claim, in light of the Appellant's specification, by teaching that groups of participants are "arbitrarily" (equivalent to "random") connected to the servers (page 6 paragraph [0061] of Mukherjee).

**THE REJECTION OF CLAIM 15 THROUGH 17 UNDER 35 U.S.C. § 103(A) AS
BEING UNPATENTABLE OVER MUKHERJEE IN VIEW OF HINCHLIFFE.**

Appellant argues that Mukherjee wholly in view of Hinchliffe fails to teach the inducement of individual e-meeting updates.

The Examiner disagrees

The disputed claim language reads:

An e-meeting update method comprising the step of inducing individual e-meeting updates at different times for different selections of e-meeting participants.

The meaning of inducing is “to cause”. Appellant argues that the data updates are affirmatively determined first and then sent out to different computers according to a priority assigned to a computer. Two things should be addressed. First Hinchliffe teaches wherein when an update is needed such as when an update is available and should be downloaded cause the source computer to push a data update (paragraph [0031]). Second by assigning priority levels to the groups influences the transmission or updates. Having priority levels to the groups provides information to the system as to which group will receive an update at a determined time which, provides for the influence or stimulation of an update.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Andrea N Long/

Examiner, Art Unit 2175

Conferees:

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